

Application No. 10/748,650
Amendment dated October 8, 2007
Reply to Office Action of August 14, 2007

Remarks

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-16 and 20 are pending in this application.

Claims 17-19 have been cancelled as being drawn to a non-elected invention.

Independent claims 1 and 2 have been amended to recite that the embossing element is an elongated curvilinear embossing element having a length of about 0.06 inch or greater. In addition, the sidewalls have been further described as having a length perpendicular to the width of the top surface. Support for these amendments can be found in the specification at page 9, lines 1-3 and in Figure 3, wherein multiple elongated curvilinear embossing elements of different lengths are illustrated. The relationship between the length and width of the embossing element is further described in general in the paragraph bridging pages 6 and 7. Numerically, if desired, the lengths of the various embossing element segments in the flowers of Figure 3 can be closely estimated by the length-to-width ratios measurable from Figure 3 and the top width dimension of 0.015 inch given in Table 1. However, in general, the numerical lengths of the elongated curvilinear embossing elements can be any length needed for the particular design in question as stated in the specification at page 9, lines 1-3.

Turning to the grounds for rejection, claims 1-5 and 14 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application 2002/0007749A1 to Makoui et al., which in Figure 7E discloses a cross-section of an embossing element that is asserted to meet Applicant's claims. However, Makoui et al. does not disclose or suggest "first" and "second" opposing sidewalls as claimed in independent claims 1 and 2. Instead, the embossing element of Makoui et al. only has a single continuous sidewall that encircles the embossing element, which has a generally elliptical base and a circular top surface. Consequently, Makoui et al. also does not disclose opposed first and second sidewalls that each have lengths perpendicular to the width of the top surface. If one were to misconstrue Figure 7E as illustrating opposed sidewalls of differing angles, it is clear that the angled portions of 7E do not have a "length" since they are simply cross-sections of a single sidewall that is continually changing direction. Furthermore, using Applicant's terminology, the "length" and "width" of an embossing element is measured at the top surface of the element (specification at the paragraph bridging pages 6 and 7). In comparison, the element of Figure 7 of Makoui et al. has a circular top surface 304. Consequently such an element is not

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"elongated" as claimed by Applicant. For all of these reasons, Makoui et al. does not anticipate or suggest the claimed subject matter of independent claims 1 and 2, including the subject matter of dependent claims 3-5 and 14.

In addition, with regard to independent claim 2, Makoui et al. does not teach or suggest the presence of a pair of interior sidewalls separated by a "gap". In particular, Figure 1 of Makoui et al. merely schematically illustrates an embossing roll with individual elements. The only reasonable interpretation of the geometry of those elements is that they are as shown in Figure 7. Clearly, the embossing element of Figure 7 does not have interior sidewalls separated by a gap. Therefore there is no anticipation.

Claims 6-13 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application 2002/0007749A1 to Makoui et al. It is asserted that it would be obvious to provide the embossing elements of Makoui et al. with the claimed sidewall angles and gap dimensions. However, as discussed above, Makoui et al. does not teach first and second opposed sidewalls in the first place, so it cannot be a mere matter of choice to select the proper angles. In addition, Makoui et al. does not teach an embossing element with an interior pair of sidewalls, so it cannot be obvious to select a gap distance between such sidewalls. The referenced paragraph [0019] is a mere generalization that laser engraving enables control of the depth, wall angle and contour of the embossing elements. It does not teach or suggest anything about the shape of the elements. In contrast, Applicant has discovered and claimed particular embossing element configurations that provide unexpectedly good embossing definition. These configurations are not obvious from the teachings of Makoui et al.

Claims 15-16 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application 2002/0007749A1 to Makoui et al. in view of U.S. 5,597,639 to Schulz. It is asserted that it would be obvious to provide the embossing elements of Makoui et al. with a radius at the top surface. However, this basis for rejection is not proper for all of the reasons discussed above with respect to the shortcomings of the primary reference, Makoui et al. Furthermore, the mere fact that Schulz discloses rounding of the edges of the "stitchlike" areas of the emboss does not make it obvious to provide differing radii for different sidewalls as claimed by Applicant.

For all of the foregoing reasons, it is believed that this application is now in condition for allowance and such action is earnestly solicited.

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